IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODG.) NO. 64 OF 2006

Kirti Kishore Kadam.] .. Petitioner

Versus

1. State of Maharashtra & 6 ors.] .. Respondents

Mr. S.S. Joshi for the petitioner.

Mr. M. More, AGP, for the respondents No.1, 4 and 5.

Mrs. S. Ajit Kumar for the respondent No.2.

Mr. G.D. Uttangale for respondent No.3.

Mr. B.B. Parekh for respondent No.6.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.

DATED: 08TH MARCH, 2006

P.C. :

. By consent, heard finally.

2. Petitioner is claiming to be a slum dweller. By the impugned order dated 12th August, 2005, passed by respondent No.3 the Slum Redevelopment Authority [SRA] and notice dated 5th January, 2006, issued by respondent No.4, petitioner has been declared ineligible to claim the benefit of Slum Rehabilitation Project on Plot

No.108 and 109, TPS V, Sant Janabai Marg, Mori Tabela No.2, Vile Parle (East), Mumbai.

3. After considering the averments made in the Writ Petition filed on 20th January, 2006, we are of the view that the concerned respondents have failed to give sufficient reasons on merit while rejecting the entitlement of the petitioner.

4. The learned counsel for the petitioner has pointed out a common order dated 24th January, 2006, passed in the Writ Petitions filed by the similarly situated slum dwellers whereby the matters have been remitted back to the respondents for consideration afresh by following the principles of natural justice. The petitioner also belongs to the same locality and is claiming the accommodation under the same SRA Scheme. Respondent No.6, a developer, was also respondent in those Writ Petitions.

5. In view of this background we are of the view that respondent No.3 (SRA) should give fresh hearing to the petitioner and pass reasoned order after taking into consideration all the relevant documents which will be produced by the parties and adjudicate their rights accordingly, as expeditiously as possible and within

three months from the date of receipt of a copy of this order.

6. Parties are directed to appear before the respondent No.3-SRA on 16th March, 2006, for fixing the date of hearing.

7. The interim relief granted by this Court on 30th January, 2006, in terms of prayer clause (b) shall be continued till the above directed order is passed by respondent No.3-SRA.

8. It is needless to mention that relief is restricted only to the petitioner.

9. In view of the above, Writ Petition stands disposed of.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]